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January 27, 2005

The Honorable Condoleezza Rice  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington D.C. 20520

Dear Madame. Secretary:

I am writing to you about the State Department's decision not to share information with a Canadian government investigation into the detention and deportation of Mr. Maher Arar to Syria, where he reportedly was held and tortured for 10 months.

The Canadian government launched a formal inquiry on February 5, 2004 into how and why Mr. Arar, a Canadian citizen, was detained in the U.S. and deported to Syria not Canada. As part of this inquiry, Lead Commission Counsel Paul Cavalluzzo requested on May 26, 2004 records, statements or access to witnesses related to the case of Maher Arar from the U.S. Department of State.

The State Department declined to provide any documents or information to the Canadian investigation, on the grounds that this investigation focused on the actions of only Canadian officials not U.S. entities and that the investigation would be best served by talking to Canadian officials. I sent a letter to then-Secretary Powell on September 30, 2004 urging the Department to reconsider its decision to cooperate with the Canadian investigation, but I received a response from Assistant Secretary Paul Kelly, which stated that, "Like you, we are mindful of the close friendship between the United States and Canada and we view continued close cooperation on law enforcement and intelligence matters as critical to both countries' interests." Mr. Kelly then went on to state that:

*While Mr. Arar's name was placed on a terrorist lookout list based on information received from the Canada, the decision to remove Mr. Arar from the United States was made by the U.S. government officials based on our own assessment of the security threat to the United States posed by Mr. Arar. We believed then and still believe that Mr. Arar's removal was in the best interests of the United States.*

It couldn't be any clearer from this statement that there was some level of cooperation between the U.S. and Canadian officials regarding Mr. Arar. It is my understanding that

some of the focus of the Canadian inquiry is to investigate the nature and extent of cooperation of Canadian officials with American officials in the decision to transfer Mr. Arar to Syria. Refusal by the State Department to provide specific information will obviously hinder the Canadian inquiry into these matters. I therefore urge you to reconsider the decision not to provide the Canadian Commission with the information it has requested.

Mr. Kelly's statement also suggests that the United States continues to believe that Mr. Arar poses a security threat to the United States. As far as I am aware, Mr. Arar was never charged with any crime or terrorist activity – either by the U.S. when he was briefly in its custody or by the Canadian government. Moreover, Mr. Arar has not been imprisoned since, upon returning to Canada. In light of the Department's above-quoted statement, I request your assistance and cooperation in addressing the following questions concerning the U.S. Government's perception that Mr. Arar poses a threat to U.S. national security and why, if Mr. Arar was judged to pose a security threat to the U.S., he was not returned to Canada:

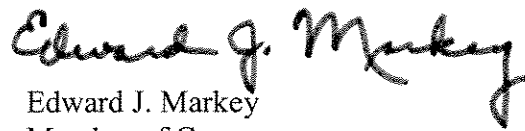
- 1) Assistant Secretary Kelly stated in his letter that Mr. Arar was placed on a terrorist lookout list based on information received from Canada, but that the decision to remove him from the U.S. was made by U.S. government officials based on our own assessment of the security threat posed by Mr. Arar. What threat did the U.S. Government believe Mr. Arar posed at the time of his removal?
- 2) If the U.S. believed Mr. Arar posed a security threat to the United States, why wasn't he removed to Canada, since he was a citizen of that country?
- 3) Why was Mr. Arar sent to Jordan and then Syria?
- 4) Mr. Kelly's letter states that Canada's prior approval or consent to Mr. Arar's removal was not sought. Was the Canadian Government informed of the fact that Mr. Arar was going to be sent to Syria prior to his removal? If so, when was the Canadian Government so informed? Did the Canadian Government raise any objections or concerns to Mr. Arar's removal to Syria?
- 5) Was the U.S. Government provided with any reports on the results of his interrogation by Jordanian or Syrian officials (including any transcripts of such interrogations, interrogation, summaries, memoranda or other documents)?
- 6) Does the U.S. Government still believe that Mr. Arar represents a threat to the United States? If so, what is the basis for this assessment?
- 7) Is Mr. Arar still on any U.S. terrorist lookout list? If so, on the basis of what information?

As a member of the House Homeland Security Committee, I take seriously threats to U.S. security. One such threat is the danger to U.S. citizens abroad that they may face torture at the hands of our enemies because the United States government is perceived to engage in practices that lead to torture, a practice we profess to disdain. Moreover, in this case, one of our closest allies is seeking cooperation to try to get the facts, and it is the United

The Honorable Condoleezza Rice  
January 27, 2005  
Page 3

States that stands in the way. I urge you to reconsider these ill-advised decisions. Should your staff have any questions about this request, please have them contact Dr. Katie Donnelly or Mr. Jeff Duncan of my staff at 202-225-2836.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style with a large, prominent "M" at the end.

Edward J. Markey  
Member of Congress